

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 2-11, 13-22, 24-35, 37 and 39 remain pending. Claims 1, 12, 23, 36 and 38 have been previously canceled. Claims 2-11, 13-22, 34-35 and 37 have been allowed. Independent claim 39 (and dependent claims 24-33) have been rejected under 35 U.S.C. §101. This is the sole rejection pending in this case.

More particularly, on page 2 of the Office Action, the Examiner asserts:

Claims 24-33 and 39 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 24-33 and 39 are directed towards a machine readable medium. Paragraph 3 of the applicant's specification states that: "A machine readable medium can include software or a program or programs for causing a computing device to perform the exemplary method". Since the applicant's description of a machine readable medium only comprises software, claims 24-33 are rejected as being directed towards software per se. Software per se does not fit into any of the statutory categories of invention

This rejection is traversed, as claim 39 is directed to a machine readable medium comprising (i.e., including) a computer program for causing a computing device to perform the functions recited. As such, the claim is not directed to a computer program per se. However, to address the Examiner's concerns, and as a measure to expedite allowance without attesting the scope of the claims, claim 39 has been amended to recite that the machine readable medium is provided "for storing" a computer program. Such an amendment, as discussed with Examiner Blair earlier today, is supported by specification paragraph [0052] clarifies that the machine readable medium is not the program per se, but rather is a structural element for storing the computer program as claimed.

As such, withdraw of the rejection under 35 U.S.C. §101 is requested.

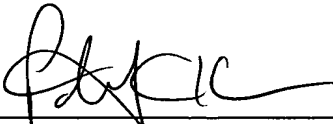
All objections and rejections having been addressed, Applicants respectfully request entry of this Amendment, and submit that the present application is in condition for allowance. A Notice of Allowance is respectfully solicited.

Respectfully submitted,

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By: _____



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